

CHAPTER 1

Introduction

1.1 Airport Land Use Compatibility Planning

1.1.1 Function and Applicability of the Plan

The function of this Alameda County Airport Land Use Commission (ALUC) Airport Land Use Policy Plan (ALUPP) is to promote compatibility between the public use airports in Alameda County and the land uses that surround them. As adopted by the ALUC, the ALUPP serves as a tool for use by the ALUC in fulfilling its duty to review airport and land use development proposals within the Airport Influence Area (AIA). Additionally, the ALUPP establishes compatibility criteria for use by local agencies in their preparation or amendment of land use plans and ordinances and by land owners in their design of new development.

The ALUPP is concerned with land uses near the three public-use airports in Alameda County: Hayward Executive Airport, Livermore Municipal Airport, and Oakland International Airport. Figure 1-1 shows the locations of these three public-use airports. The airport influence areas (described in Section 2.1.3.1) associated with each airport includes one or more of the following jurisdictions: Alameda County and the cities of Alameda, Dublin, Hayward, Livermore, Oakland, Pleasanton and San Leandro.

In addition to the land use policies applicable within the airport influence areas, certain elements of the ALUPP apply countywide to development actions that may have aviation-related compatibility implications. Details regarding the purpose, scope, and applicability of the ALUPP are set forth in Chapter 2.

1.1.2 Statutory Requirements

1.1.2.1 Powers and Duties

ALUCs are established pursuant to the State ALUC law¹ to protect the public health, safety, and welfare by promoting orderly expansion of airports and adoption of land use measure by local public agencies to minimize exposure to excessive noise and safety hazards near airports.

¹ The State ALUC law is contained in Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 et seq., and Government Code Section 65302.3 et seq. (see Appendix B).

Insert Figure 1-1: Public Use Airports in Alameda County

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In accordance with Section 21674(b) of the California Public Utilities Code, an ALUC has the authority “to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare”; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. In addition, ALUCs review plans for proposed new airports or heliports.

1.1.2.2 Limitations

State law does not authorize ALUCs to zone property or apply other land use controls normally exercised by local public agencies. Because the jurisdiction of the ALUC is limited to new land uses, existing land uses that are in conflict with or affected by existing or anticipated airport operations are not subject to the policies established by the ALUC. However, existing incompatible uses are the concern of the airport and of the city or county having jurisdiction over the affected area, and policies should be developed to handle this problem. The term “existing land uses” is further defined in Chapter 2.

State the law also does not give ALUCs jurisdiction over airport operations, although the ALUPP must include assumptions about future operations at each airport. Once adopted, the ALUPP serves as a framework for reviewing significant proposals for further airport development.

ALUC jurisdiction and ALUPP scope are confined to land use-related primary impacts on the area surrounding the airport. This excludes the ALUC from considering air quality impacts of the airport, and other “secondary” impacts such as traffic or air quality impacts caused by airport operations.

1.1.3 Alameda County Airport Land Use Commission

The seven-member Alameda County ALUC was created in 1971. After approving interim plans in the early 1970s, the ALUC adopted the ALUPP in 1977. The ALUPP was amended in 1979. The 1979 ALUPP was in use until a new ALUPP was adopted in 1986. This ALUPP replaces the ALUPP adopted by the ALUC in 1986. Section 21675(a) of the California Public Utilities Code states that the ALUC shall review comprehensive land use plans as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

The ALUC is appointed as follows:

- Two commissioners representing the county, appointed by board of supervisors
- Two commissioners representing cities in the county, appointed by a committee of all mayors, except that at least one representative must be appointed from among "any cities contiguous or adjacent to the qualifying airport" (i.e., an airport served by a scheduled airline or one operated for the benefit of the general public).

- Two commissioners with expertise in aviation, appointed by a committee of the managers of all public airports within the county
- One commissioner representing the general public, appointed by the other six members of the commission.

Each member of the ALUC appoints a proxy to serve as a representative and to vote when the member is absent. Proxies serve at the pleasure of the appointing member of the ALUC. The proxy must be in writing and filed at the ALUC office. The term of office on the ALUC is four years. Any member can be removed at any time and without cause by the appointing body (California PUC Section 21671.5(a)).

In accordance with adopted bylaws, public meetings are held on the third Wednesday of each month.

1.1.4 Relationship of ALUC to County Government

The fundamental relationship between the Alameda County ALUC and the county government is set by the State Aeronautics Act. The ALUC's powers and duties are more like the Alameda County Local Agency Formation Commission (LAFCo) than an advisory body to the Alameda County Board of Supervisors. Thus, the decisions of the ALUC are final and are independent of the Board of Supervisors and the ALUC does not need Board of Supervisors review and approval to adopt this ALUPP or to carry out other ALUC duties and responsibilities. Although the ALUC functions under the auspices of Alameda County government and is supported by County staff, the relationship between the ALUC and the County is the same as the relationship between the ALUC and individual cities within the County. Thus, the County has the same responsibilities as the cities to refer land use actions to the ALUC for review and to modify its general plan for consistency with the ALUPP.

1.2 Plan Preparation and Review

A new ALUPP is needed because updated master plans have been prepared for each of the three airports due to the fact that changes have occurred on and around the vicinity of the three airports. These changes would include natural population growth and subsequent encroachment upon airport influence areas, upgrades in fleet mixes, expanding noise contours, and growing AIAs. New laws and other guidance affecting ALUCs have also come into effect since the drafting of the last ALUPP. In addition, the Caltrans Department of Aeronautics released guidance in 2002 to assist jurisdictions review ALUCs and develop ALUC policies and guidance.

1.2.1 State Guidelines

Most of the revisions that have been made to the state laws governing ALUCs over the last thirty years involve the procedures by which ALUCs operate. The most significant among the amendments to the state law (adopted in 1982) was the requirement for local general and specific

plans to be made consistent with the ALUPP. This amendment also limited the authority of the ALUC to review individual development proposals and reduced the vote requirement for a local jurisdiction to override an ALUC decision from four fifths to two thirds.

In 1993, the California Department of Transportation (Caltrans) Aeronautics Division published the *Airport Land Use Planning Handbook*. In 1994, another statute was enacted that requires local jurisdictions to use the *Handbook* as a technical resource when assessing airport-related noise and safety impacts of projects in the vicinity of airports and preparing documentation under the California Environmental Quality Act (CEQA). In 2002, Caltrans published an updated *Handbook*, which was used to guide the preparation of this ALUPP. State law requires that an ALUC be “guided by” information in the *Handbook* when formulating or amending an ALUPP.

1.2.2 Relationship to Airport Master Plans

ALUPPs are distinct from airport master plans in function and content. Generally, airport master plans address on-airport uses and facilities whereas ALUPPs address the compatibility of off-airport land uses. An airport master plan, which is prepared for and adopted by the entity that owns and operates the airport, assesses the demand for airport facilities and guides the development necessary to meet those demands. An ALUPP, which is prepared and adopted by an ALUC, is intended to assure that incompatible development does not occur on lands surrounding airports.

Section 21675(a) of the California Public Utilities Code requires that a ALUPP be based on the applicable airport master plan(s). The master plan for Hayward Executive Airport (HWD) was adopted by the City of Hayward in 2002. The master plan for Livermore Municipal Airport (LVK) is being updated and will be adopted by the City of Livermore. The master plan for Oakland International Airport (OAK) is being updated and will be adopted by the Port of Oakland.

The ALUPP should be consistent with airport goals, insofar as these goals conform to regional planning policies and take into account environmental impacts. State law provides that, before modification of an airport master plan, the public agency owning the airport must submit the proposed change to the ALUC for a finding of consistency with the ALUPP. The ALUC will follow the same procedures used for review of city or County actions. The public agency may override the ALUC with a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes of the state ALUC law.²

1.2.3 Plan Review Process

The major issues associated with this ALUPP have been discussed at several meetings of the Alameda County ALUC. In addition, meetings were held with the owners and operators of each of the three airports and the local jurisdictions within the airports’ areas of influence (i.e.,

² Public Utilities Code Article 3.5, Section 21674.1(d).

Alameda County, the Port of Oakland, and the cities of Alameda, Dublin, Hayward, Livermore, Oakland, Pleasanton, and San Leandro). This ALUPP is being widely circulated to agencies and the general public and will be the subject of a public hearing by the ALUC prior to being considered for adoption.

1.3 Plan Implementation

1.3.1 General Plan Consistency

State ALUC law requires local general plans and applicable specific plans to be consistent with the ALUPP. In the event that the ALUPP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUPP. In the event that the local public agency does not concur with a provision of the ALUPP, the public agency may override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the general plan of the local jurisdiction is consistent with the intent of state law.

To be consistent with an ALUPP, a general plan must specifically address compatibility planning issues and must avoid direct conflicts with compatibility planning criteria. Consistency implies that “the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law of the compatibility plan to which the comparison is being made” (Caltrans, 2002). The *Handbook* identifies the following methods for compatibility planning issues to be reflected in a general plan:

Incorporate Policies into Existing General Plan Elements. This method requires the incorporation of all airport land use compatibility measures into appropriate general plan elements. For example, noise compatibility measures may be incorporated into the city’s or county’s general plan noise element. With this approach, direct conflicts between the ALUPP and general plan are eliminated and compliance mechanisms are fully incorporated into the local jurisdiction’s general plan.

Adopt a General Plan Airport Element. This format may be appropriate when a city’s or county’s general plan also needs to address on-airport development or operational issues. Modification of other general plan elements may still be necessary to eliminate conflicts and provide cross-referencing.

Adopt the ALUPP as a Stand-Alone Document. A city or county can adopt the ALUPP, and changes to the city’s or county’s general plan would be minimal. Policy reference to the separate ALUPP would need to be added to the general plan, and any direct land use or other conflicts with compatibility planning criteria would have to be removed. The compatibility policies would substantially appear only in the stand-alone compatibility plan.

Implement Compatibility Policies through Zoning. Adoption of an airport combining district or overlay zoning ordinance by a local government is a way of codifying airport compatibility criteria described only conceptually in the ALUPP. A combining district can

supplement local land use designations by adding specific noise and/or safety criteria applicable to future development in the airport influence area. Policy reference to airport compatibility in the general plan could be as simple as stating support of the ALUPP and that policy implementation is by means of the combining zone.

1.3.2 Project Referrals

Counties and cities are obligated by state law to submit land use actions and other actions such as zoning ordinances and building regulations for the ALUC's review. In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, the ALUPP specifies other land use projects that either must or should be submitted for review. These major land use actions are defined in Chapter 2 of this ALUPP.

1.4 Plan Contents

The ALUC is concerned with airport activities that may adversely affect adjacent areas and near-airport land uses, which may interfere with airport operations. The most significant airport-related concerns are:

- noise exposure, especially from jet aircraft;
- exposure of persons on the ground to accident potential;
- prevention of obstacles to air navigation (tall objects; objects in clear zones); and
- prevention of hazards to flight such as smoke, flare, lighting, electrical interference and concentrations of birds.

For each concern, the ALUC has adopted land use compatibility policies in Chapters 2 through 5 of the ALUPP. Chapters 3 through 5 modify policies to reflect conditions at the public use airports in Alameda County.

Chapter 2: Chapter 2 of this ALUPP presents the airport compatibility and review policies that are applicable throughout Alameda County.

Chapter 3: Chapter 3 of this ALUPP Update presents compatibility and review policies and maps specific to Hayward Executive Airport (HWD).

Chapter 4: Chapter 4 of this ALUPP Update presents compatibility and review policies and maps specific to Livermore Municipal Airport (LVK).

Chapter 5: Chapter 5 of this ALUPP presents compatibility and review policies and maps specific to Oakland International Airport (OAK).